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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,412	12/03/2001	Kwang Soo Choe	K-0345	5933
34610	7590	12/06/2005		
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			EXAMINER NELSON, FREDA ANN	
			ART UNIT	PAPER NUMBER
			3639	
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,412

Applicant(s)

CHOE ET AL.

Examiner

Freda A. Nelson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 and 13-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to a communication filed September 16, 2005 wherein:

Claims 1-5 and 10-12 have been elected; and

Claims 1-67 are currently pending.

Response to Amendment and Arguments

1. Applicant's election with traverse of claims 1-5 and 10-12 in the communication filed September 16, 2005 is acknowledged. The traversal is on the ground(s) that undue searching should not be required. This is not found persuasive because Examiner believes that the restriction is proper since the subcombinations are distinct from each other and are shown to be separately usable. Invention I (Claims 1-8) has separate utility such as extracting an estimation element necessary determine a manufacturing process; extracting a cost physical unit value, which corresponds to the estimation element, from a physical unit table showing cost physical unit values used in each step the manufacturing process; automatically converting an estimation formula, expressed at least by a four-rule calculation rule, format which can be executed by a preinstalled programming rule; and substituting the physical unit value the estimation formula converted into the format, thereby obtaining costs said each step. Invention I is classified in class 705, subclass 400. Invention II (Claims 9-14) has separate utility such as extracting an estimation element necessary determine manufacturing steps; setting the steps manufacturing a product on the basis of the estimation element; estimating required for each step; process rate, and adding a material cost

the result, thereby calculating a whole cost; estimating and analyzing a rate-determining factor on the basis the estimated costs and whole cost; and executing a cost simulation by varying the processing step, analyzing degree influence upon the whole cost and assisting the designing of the manufacturing steps. Invention II is classified in class 705, subclass 10. Examiner notes that it would be a serious burden to search both inventions given their separate status in the art as noted above.

2. The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of the nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

3. Claims 9-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on September 23, 2005.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

6. Claims 1, 3, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations “the respective order” in line 15 and “the error” and “the corresponding order” in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitations “the items” in line 4. There is insufficient antecedent basis for this limitation in the claim.

As for claim 5, the examiner is unable to determine what the applicant is claiming by the claim language “configured to manage each of a plurality warehouse storing products”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (Patent Number 6,324,522).

As for claim 10, Peterson et al. disclose an e-commerce system, comprising:

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a database server configured to store information about a plurality of dealing companies, credit information for each of the plurality of dealing companies, and order restriction information of a plurality of products (col. 41, lines 51-61; FIGS. 13-16); and

a web server, coupled to the database server, and configured to operate a web site to receive on-line orders for an on-line sale of each of the plurality of products, acquire information about the respective products and dealing companies and registering the acquired information to the database server, and perform order control for order-generating dealing companies, when an order for a product purchase is generated from the corresponding dealing companies (col. 43, lines 19-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (Patent Number 6,324,522), in view of Leonard et al. (Patent Number 6,085,171).

As for claims 1 and 2, Peterson et al. disclose an e-commerce system, comprising:

a database server configured to store information relating to at least one of a plurality of dealing companies, orders placed by each of the plurality of dealing companies, products for sale, and order-available products for the respective dealing companies (col. 41, lines 51-61; FIGS. 13-16);

a web server, coupled to the database server, and configured to operate a web-site to receive order sheets on-line from the plurality of dealing companies for on-line sale of the products for sale and to select the order-available products for corresponding ones of the plurality of dealing companies to display only the available products on an interface screen (col. 43, lines 19-30);

an information acquisition server, coupled to the database server and configured to acquire information about each of the plurality of dealing companies, and to register the acquired information on the database server (FIG. 11); and

an order control server configured to gather information about items ordered through the web server (col. 5, lines 4-15; FIGS. 13-16).

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Peterson et al. do not disclose a database server configured to store information relating to order errors. Peterson et al. do not further disclose an order control server configured to gather information about the respective order error items stored in the database server, and to determine whether the error of the corresponding order is correct, and to execute a selective order control in accordance with the determination. Leonard discloses a connection between an agent and a server to check for many of the commonly encountered errors in order data, to submit orders electronically, including the signature authorization form, and to update the agent's order entry software (col. 1, lines 39-45); and the connection also allows the server to quickly communicate errors that it detects in the orders to the client for correction (col. 2, lines 16-24; FIG. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Leonard in order to have the ability to detect errors.

As for claims 3-4, Peterson et al. do not disclose the system further comprising a divisional order processing server, configured to perform a scheduled order processing so that a shipment amounting to a partial quantity of a total order quantity of the order-confirmed product is performed at prescribed times, and to register the items of the scheduled order processing to a temporary order information storage unit; and wherein the temporary order storage unit comprises a prescribed information storing area allocated randomly to the database server, however, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987). Thus the structural limitations of claims 3 and 4, including an e-commerce system including order processing server are disclosed in Peterson et al. as described herein. Also as described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

As for claim 5, Peterson et al. disclose the system further comprising a shipment coupled to a warehouse network, and configured to manage each of plurality warehouse storing products in stock so as to confirm a shipment of the corresponding order quantity of each of the orders, wherein the shipment confirmation server is configured to be controlled in connection with the web server and database server respectively.

9. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. in view of Kirsch (Patent Number 5,963,915).

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As for claim 11, Peterson et al. do not disclose the e-commerce system of claim 10, further comprising an order control set-up server coupled to the database server and web server, and configured to restrict prescribed orders for each of the dealing companies in accordance with the information about the products registered in the database server and information about the respective dealing companies. Kirsch discloses that additional levels of authentication and security, including restrictions on shipping destination, and e-mail confirmation of orders, can be readily and optionally added in a convenient manner determined on a per server basis (col. 5, lines 22-270). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of Kirsch in order to make sure companies are in compliance of ordering rules.

As for claim 12, Peterson et al. disclose the system of claim 10, wherein the order restriction information includes at least one of amounts in stock by the respective models of sales products, sale or sale-suspension of the respective models of the sales products, out-of-production or production of the respective models of the sales products. However, it is old and well known in the business industry to place restrictions on orders so products are not ordered which are out of stock or not carried by the merchant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Peterson et al. to include the feature of restricting orders in order to maintain ordering structure.

Conclusion

10. The examiner has cited prior art of interest, for example:

1) Bright et al. (US Pg Pub. 2002/0013731), which disclose a pre-processor for inbound sales order requests with link to a third party available to promise (ATP) system.

2) Gillett et al. (Patent Number 6,760, 711), which disclose merchant owned, ISP-hosted online stores with secure data store.

3) Wojcik et al. (Patent Number 5,666,493), which disclose a system for managing customer orders and method of implementation.


4) Hennig et al. (Patent Number 6,587,827), which disclose an order fulfillment processing system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 11/30/05



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER